

FILED *WA*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUN 27 2005

Judge Robert W. Gettleman  
United States District Court

MARK WILLIAMS, )  
                    )  
Plaintiff,       )  
                    )  
v.                 )  
                    )  
OFFICER MARTIN #325, OFFICER )  
FRANK JONES, OFFICER BECK )  
AND THE VILLAGE OF BELLWOOD )  
                    )  
Defendants.       )

Case No. 04 C 35

Judge Gettleman

**MOTION FOR SUMMARY JUDGMENT**

Defendants, David Martin, Frank Jones, Dustin Beck and the Village of Bellwood, by their attorneys, Clifford G. Kosoff and Julie A. Bruch, pursuant to Rule 56 of the Federal Rules of Civil Procedure, move for summary judgment in their favor and against plaintiff Mark Williams as to all counts of the Complaint. In support of this motion, defendants state as follows:

1. Plaintiff Williams has brought a 5 count Complaint against the Village of Bellwood and three Bellwood police officers based on conduct that took place at the time of his arrest on July 12, 2003 in Bellwood, Illinois.
2. Count I is a section 1983 claim of excessive force against this individual officers. Count II is a state law claim of malicious prosecution against the individual officers. Count III is a section 1983 claim of false arrest against the individual officers. Count IV is a state law claim of assault and battery against the individual officers. Count V is a state law claim of respondeat superior against Bellwood.
3. Defendants move for summary judgment as to all counts of the Complaint.

4. The individual officers move for summary judgment on Counts I and III on the basis that they are entitled to qualified immunity as a matter of law.

5. The individual officers move for summary judgment on Counts II and IV on the basis that (a) the claims are precluded by the doctrine of public official immunity; (b) they were justified in the use of force pursuant to 720 ILCS 5/7-5; and (c) they are immune pursuant to 745 ILCS 10/2-201.

6. The individual officers move for summary judgment on Count II on the basis that plaintiff has not established the elements of malicious prosecution under Illinois law.

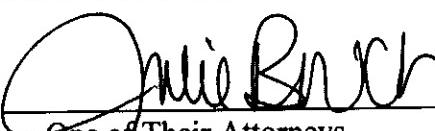
7. The Village of Bellwood moves for summary judgment on the basis that it cannot be liable under a state law *respondeat superior* basis if the individual officers are not liable, due to 745 ILCS 10/2-109.

8. Defendants have filed separate Statement of Material Facts and Memorandum of Law in support of this motion.

WHEREFORE, for the foregoing reasons, defendants respectfully request that summary judgment be entered in their favor on plaintiff's complaint and that they be dismissed from this litigation.

OFFICER DAVID MARTIN,  
COMMANDER FRANK JONES,  
OFFICER DUSTIN BECK, AND  
VILLAGE OF BELLWOOD

By:



Julie A. Bruch

One of Their Attorneys

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